



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE June 19, 2015 EFFECTIVE DATE July 4, 2015	CONTACT/PHONE Cody Scheel / Project Manager (805) 781-5157 cscheel@co.slo.ca.us	APPLICANT Joint Pole Association & Verizon Wireless	FILE NO. DRC2014-00052
SUBJECT Hearing to consider a request by JOINT POLE ASSOCIATION & VERIZON WIRELESS for a Minor Use Permit (DRC2014-00052) to allow for the construction and operation of an unmanned wireless communications facility involving installation of one (1) 50.9 inch tall panel antenna mounted at a height of 35.2 feet (measured to top of antenna) on a new cross arm on an existing 43.8 foot tall wood utility pole. The project also involves installation of equipment cabinets and racks on a concrete slab on grade, enclosed by a 6 foot tall wooden fence, located within an approximately 32 square foot lease area, with associated utility trenching. The project will result in the disturbance of approximately 60 square feet within the shoulder of a County maintained right-of-way. The proposed project is within the Agriculture land use category and is located on the north corner of the North Thompson Avenue/Mehlschau Road intersection, approximately 2,000 feet northwest of the Nipomo urban reserve line. The site is in the South County sub-area of the South County Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00052 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption (pursuant to CEQA Guidelines 15303) was issued on May 19, 2015 (ED14-245).			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION N/A	ASSESSOR PARCEL NUMBER N/A (County ROW), Closest APN: 090-051-056	SUPERVISOR DISTRICT(S) <div style="text-align: center;">4</div>
PLANNING AREA STANDARDS: None applicable <i>Does the project meet applicable Planning Area Standards: N/A</i>			
LAND USE ORDINANCE STANDARDS: Communications Facilities <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on July 4, 2015, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES Utility pole in County maintained right of way			
SURROUNDING LAND USE CATEGORIES AND USES: <div style="display: flex; justify-content: space-between;"><div><i>North:</i> Agriculture / Agriculture accessory structures <i>South:</i> Agriculture / Nipomo High School</div><div><i>East:</i> Agriculture / Row crops <i>West:</i> Agriculture / Agriculture accessory structures</div></div>			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

Planning Department Hearing

Minor Use Permit DRC2014-00052 / Joint Pole Association & Verizon Wireless

Page 2

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Public Works, Environmental Health, Cal Fire, and South County Advisory Council

TOPOGRAPHY:

Nearly level

VEGETATION:

Grasses

PROPOSED SERVICES:

Water supply: Not applicable

Sewage Disposal: Not applicable

Fire Protection: Cal Fire

ACCEPTANCE DATE:

April 2, 2015

DISCUSSION

PROJECT DESCRIPTION

Verizon Wireless proposes to locate a new communications facility on an existing utility pole located within the shoulder of a County maintained right-of-way. The proposed facility would consist of one (1) 50.9 inch tall panel antenna mounted at a height of 35.2 feet (measured to top of antenna) on a new cross arm on an existing 43.8 foot tall wood utility pole. The project also involves installation of equipment cabinets and racks on a concrete slab on grade, enclosed by a 6 foot tall wooden fence, located within an approximately 32 square foot lease area, with associated utility trenching. As conditioned, the proposed panel antenna would be painted a non-reflective color to match and visually blend with the existing wood utility pole. This design is consistent with the visual screening provisions in County Land Use Ordinance (Title 22) Section 22.30.180 because the proposed antennas would be integrated into the design of the existing utility pole and the ground-equipment would be screened by 6 foot tall wooden fence.

Specifically, the proposed project consists of the following improvements:

- Installation of one (1) 50.9-inch tall by 11.9-inch wide by 7.1-inch deep panel antenna mounted at a height of 35.2-feet (measured to top of antenna) on a new approximately 57-inch wide cross arm on an existing 43.8 foot tall wood utility pole.
- The proposed panel antenna, cables, cross arms, and associated mounting brackets would be painted a non-reflective color to match the existing wood utility pole.
- Installation of a 10-foot, 10-inch by 3-foot concrete slab on grade, enclosed by a 6-foot tall wooden fence.
- Installation of approximately 10-feet of underground coaxial conduit cables, routed from the equipment shelter to the base of the existing utility pole. The cables would be routed up the utility pole within a new conduit riser to the proposed panel antenna. The conduit and all associated mounting hardware would be painted a non-reflective color to match the existing utility pole.
- Installation of one (1) electrical meter mounted at a height of approximately 9-feet (measured to top meter) on the existing utility pole.
- Installation of one (1) equipment cabinet and two (2) remote radio units within the proposed wooden fence enclosure.
- Associated trenching on-site and within the County maintained right-of-way for utility connections.
- The site is accessed from an existing County maintained road. No new access road improvements are necessary.

The project is conditioned to obtain an encroachment permit from the Public Works Department for the proposed ground-mounted equipment prior to issuance of a construction permit.

LAND USE ORDINANCE COMPLIANCE

Section 22.30.180 – Communications Facilities

This section of the Land Use Ordinance (Title 22) contains specific land use permit and application content requirements as well as siting and design standards for proposed wireless communications facilities. As described below, the proposed project meets these requirements:

Radio Frequency Analysis

Section 22.30.180(B) requires applications for communications facilities to provide estimates of non-ionizing radiation generated and/or received by the facility. These shall include estimates of the maximum electric and magnetic field strengths at the edge of the facility site and the extent that measurable fields extend in all directions from the facility.

The project complies with this requirement because the applicant supplied a report to evaluate the proposed communications facility for compliance with appropriate guidelines limiting human exposure to radio frequency (RF) electromagnetic fields. According to the RF report for this project (Sitesafe, September 5, 2014), the maximum RF emissions from the proposed facility would be equivalent to less than 1 percent of the applicable public exposure limit at ground level. The report concludes that the facility would operate within the FCC standard for RF emissions, and recommends the posting of explanatory signs to establish compliance with occupational exposure limitations.

Permit Requirements

Section 22.30.180(C)(1) requires Minor Use Permit approval for proposed wireless communications facilities that are either a) installed on existing structures, or b) co-located at existing communications facility sites. Conditional use permit approval is required for all other communications facilities.

This project requires Minor Use Permit approval because the proposed antennas would be mounted on an existing utility pole.

Co-location

According to Section 22.30.180(C)(2)(b), when co-location is not proposed, applications for communications facilities must provide information pertaining to the feasibility of joint-use antenna facilities, and discuss the reasons why such joint-use is not a viable option or alternative to a new site.

The project complies with this requirement because the applicant provided a “need case” for the proposed site location. The location was chosen because the closest two existing wireless communications facilities cannot carry the data traffic that exists in the large area of Nipomo that the existing sites cover. The proposed site will not provide additional “coverage”, but will provide additional “capacity” and will significantly offload the existing Nipomo sites which are exhausted during peak hours.

Development Standards

According to Section 22.30.180(C)(3)(b), the preferred placement for new wireless communication facilities is on existing structures, completely hidden from public view or painted and blended to match existing structures. In addition, all facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall

be disguised to resemble rural, pastoral architecture (e.g. windmills, barns, trees) or other features determined to blend with the surrounding area and be finished in a texture and color deemed unobtrusive to the neighborhood in which it is located.

The proposed facility is consistent with the latter provision of this standard which allows facilities to be visible from public areas only when they are “disguised to resemble features determined to blend with the surrounding area and be finished in a texture and color deemed unobtrusive to the neighborhood in which it is located.” The proposed antenna would be mounted to an existing wood utility pole. The proposed ground-mounted equipment would be located on the shoulder of a County maintained road adjacent to the existing wood utility pole, and would be screened from public view by a wooden fence. As conditioned, the proposed panel antenna, coaxial cables, and associated mounting brackets would be painted a non-reflective color to match the existing wooden utility pole. In addition, the equipment area would be screened with wooden fencing.

Unused Facilities

According to Section 22.30.180(C)(4), all obsolete or unused facilities shall be removed within twelve (12) months of cessation of telecommunication operations at the site.

The project is consistent with this standard because the applicant is required to enter into a performance agreement and financial instrument for site restoration prior to establishment of the use.

ENVIRONMENTAL REVIEW

The project qualifies for a Categorical Exemption (Class 3, ED14-245) pursuant to State CEQA Guidelines Section 15303 because the project involves the installation of a panel antenna on an existing utility pole and a small equipment enclosure to support the proposed wireless communications use, which will result in minimal site disturbance of the existing disturbed County right of way. The applicant submitted a report (Sitesafe, September 5, 2014) summarizing the Federal Communications Commission (FCC) exposure limits for the public. The report concluded that the project would comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment.

COMMUNITY ADVISORY GROUP COMMENTS

This project was referred to the South County Advisory Council. No Comments were received as of June 19, 2015.

AGENCY REVIEW

Building Division – No response.

Public Works – Recommended conditions of approval and encroachment permit requirements; per referral response dated March 26, 2015.

Environmental Health – No response.

Cal Fire – No response.

LEGAL LOT STATUS

The proposed project is located within the County maintained right-of-way (North Thompson Avenue).

Staff report prepared by Cody Scheel and reviewed by Airlin M. Singewald.